



"Service Builds Tomorrow's Progress"

## THE CITY OF ARTESIA, CALIFORNIA

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### ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

52

August 4, 2009

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

July 14, 2009

Kenneth Hahn Hall of Administration  
Ms. Sachi A. Hamal, Executive Officer  
500 West Temple Street, Room 383  
Los Angeles, Ca. 90012

Dear Ms. Hamal,

Please be advised that at the July 13, 2009 Regular City Council Meeting, Council voted to adopt the following resolutions:

#### Resolution No. 09-2151

A Resolution of the City Council of the City of Artesia, California Ordering that a Measure to Increase the Transient Occupancy Tax Rate from Six Percent (6%) to Twelve and One Half Percent (12.5%) be Submitted to the Voters, Requesting Consolidation of the Regular Election of the ABC Unified School District and the Cerritos Community College District to be Held on November 3, 2009 with Election on this Measure, and Requesting the Los Angeles County Registrar of Voters to Perform Certain Related Services in Connection with the Consolidated Election.

#### Resolution No. 09-2152

A Resolution of the City Council of the City of Artesia Setting Priorities for Filing a Written Argument Regarding a Measure to Increase the Transient Occupancy Tax Rate from Six Percent (6%) to Twelve and One Half Percent (12.5%) and Directing the City Attorney to Prepare an Impartial Analysis Regarding the Measure.

Resolution No. 09-2153

A Resolution of the City Council of the City of Artesia, California Ordering that a Measure Increasing Business License Taxes be Submitted to the Voters, Requesting Consolidation of the Regular Election of the ABC Unified School District to be Held on November 3, 2009 with the Election of this Measure, and Requesting the Los Angeles County Registrar of Voters to Perform Certain Related Services in Connection with the Consolidated Election.

Resolution No. 09-2154

A Resolution of the City Council of the City of Artesia Setting Priorities for Filing a Written Argument Regarding a Measure to Increase Business License Taxes and Directing the City Attorney to Prepare an Impartial Analysis Regarding the Same.

If you have any questions regarding this matter, please contact me at 562-865-6262.

Sincerely,

A handwritten signature in cursive script that reads "Gloria Considine".

Gloria Considine  
City Clerk/Treasurer

Attachments

**RESOLUTION NO. 09-2151**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARTESIA, CALIFORNIA ORDERING THAT A MEASURE TO INCREASE THE TRANSIENT OCCUPANCY TAX RATE FROM SIX PERCENT (6%) TO TWELVE AND ONE HALF PERCENT (12.5%) BE SUBMITTED TO THE VOTERS, REQUESTING CONSOLIDATION OF THE REGULAR ELECTION OF THE ABC UNIFIED SCHOOL DISTRICT AND THE CERRITOS COMMUNITY COLLEGE DISTRICT TO BE HELD ON NOVEMBER 3, 2009 WITH ELECTION ON THIS MEASURE, AND REQUESTING THE LOS ANGELES COUNTY REGISTRAR OF VOTERS TO PERFORM CERTAIN RELATED SERVICES IN CONNECTION WITH THE CONSOLIDATED ELECTION**

**WHEREAS**, the City of Artesia ("City") is facing the increasingly difficult task of maintaining the same level and quality of services for Artesians while experiencing a decrease in revenue;

**WHEREAS**, the City's staff has considered various means of increasing revenue for the City and is cognizant of the City Council's desire to lessen any burdens upon the residents of the City in its efforts to obtain that increased revenue;

**WHEREAS**, the City's staff has surveyed other communities and determined that the City's rate of transient occupancy taxes, which was established on April 12, 1976 by adoption of Ordinance No. 245, is not comparable to and is, in fact, much lower than, surrounding cities;

**WHEREAS**, the City's staff has advised that increasing the rate of transient occupancy tax from six percent (6%) to twelve and one half percent (12.5%) may provide the City with a desired increase in revenue, without placing a substantial burden on the City's residents;

**WHEREAS**, California Constitution, Article XIII C, Section 2(b) and Government Code Section 53723 require that general taxes, which are taxes to be used for general governmental purposes, be adopted or increased only upon approval of a majority of the votes cast by the voters;

**WHEREAS**, California Government Code Section 53724 requires that an adoption or increase in general taxes be proposed by ordinance or resolution and include the type of tax, the rate of tax, and the method of collection, and that the City Council approve that proposal for election on the measure by a two-thirds vote of the body;

**WHEREAS**, the revenue generated by an increase in the transient occupancy tax rate will be used for general governmental purposes and, therefore, constitutes a general tax;

**WHEREAS**, an election to adopt or increase general taxes must be consolidated with a regularly scheduled general election for members of the governing body of the local government, except in cases of emergency declared by unanimous vote of the members of the governing body present when the vote is taken;

**WHEREAS**, on October 15, 2008, by Resolution No. 08-2108, the City requested a change in the date of the regular election to elect councilmembers, from March 3, 2009 to November 3, 2009, requested consolidation with the regular election of the Unified ABC School District and Cerritos Community College District and requested that the Los Angeles County Registrar of Voters perform certain related services in connection with the consolidated election;

**WHEREAS**, the next regular election ("General Municipal Election") will take place on November 3, 2009;

**WHEREAS**, on July 1, 2009, City staff also recommended approval of a request to propose a measure increasing business license taxes, to be placed on the November 3, 2009 ballot;

**WHEREAS**, it is the City Council's desire that the election on a measure to increase the rate of transient occupancy tax from six percent (6%) to twelve and one half percent (12.5%) be

placed on the November 3, 2009 ballot, and that all necessary and related actions take place in furtherance of that objective.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ARTESIA DOES RESOLVE AND ORDER AS FOLLOWS:**

**Section 1.** The foregoing findings are true and correct.

**Section 2.** The City Council, pursuant to its right and authority, does hereby order submitted to the voters at such General Municipal Election the following measure:

Shall Ordinance No. 09-749, which increases the transient occupancy tax from 6% to 12.5%, be adopted?	YES	
	NO	

**Section 3.** The text of the proposed ordinance to be submitted to the voters is attached hereto as Exhibit A and incorporated herein by reference. The type of tax, the rate of tax to be levied and the method of collection are stated therein.

**Section 4.** The ballots to be used at the election shall be in form and content as required by law. The method of collection of the transient occupancy tax is as specified in Article 3 (Transient Occupancy Tax) of Chapter 5 (Taxes) of the Artesia Municipal Code.

**Section 5.** The City Council has previously called and given notice of the General Municipal Election to be held in the City on November 3, 2009 and has requested consolidation of the General Municipal Election with the ABC Unified School District and Cerritos Community College District elections. Pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to also consent and agree to the consolidation of the regular election of the ABC Unified School District, and the Cerritos Community College District with an election on the above-described ballot measure.

**Section 6.** The County Election Department is authorized to canvass the returns of the election on the above-described ballot measure. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

**Section 7.** The Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

**Section 8.** The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to conduct the election.

**Section 9.** The polls for the election shall be open at seven o'clock a.m. on the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in California Elections Code Section 14401.

**Section 10.** In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**Section 11.** Notice of the time and place of holding the election is hereby given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

**Section 12.** The City recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

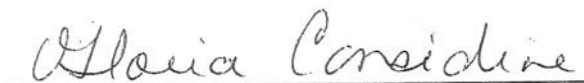
**Section 13.** The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department forthwith, and no later than August 7, 2009.

**Section 14.** The City Clerk shall certify to the passage and adoption of this Resolution and shall enter it into the book of original resolutions.

PASSED, APPROVED and ADOPTED this 1st day of July, 2009.

  
SALLY FLOWERS, MAYOR

ATTEST:

  
GLORIA CONSIDINE, CITY CLERK

I, Gloria Considine, City Clerk of the City of Artesia, do hereby certify that the foregoing resolution was introduced and adopted at an Adjourned Regular Meeting of the City Council of the City of Artesia held on the 1<sup>th</sup> day of July 2009, by the following roll call vote:

AYES:	COUNCIL MEMBERS:	Nelson, Martins, Manalo and Lima
NOES:	COUNCIL MEMBERS:	Flowers
ABSENT:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None

  
GLORIA CONSIDINE, CITY CLERK